

EXHIBIT 11

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Case No. 10-141-CMKF
4

5 MARVEL WORLDWIDE, INC.,
6 MARVEL CHARACTERS, INC., and
7 MVL RIGHTS, LLC,
8 Plaintiffs,

9 VS.

10 LISA R. KIRBY, BARBARA J. KIRBY,
11 NEAL L. KIRBY and SUSAN N. KIRBY,
12 Defendants.

13

14

15 Volume II

16 Videotape Deposition of:

17 Roy Thomas

18 Wednesday, October 27, 2010

19 Orangeburg, South Carolina

20

21

22

23

24

25

1 APPEARANCES:

2 FOR THE PLAINTIFFS:

3 MARVEL WORLDWIDE, INC., MARVEL CHARACTERS,

4 IN.C, and MVL RIGHTS, LLC

5 BY: JODI AILEEN KLEINICK

6 PAUL HASTINGS JANOFSKY & WALKER

7 75 East 55 Street

8 New York, NY 10022

9
10 -AND-

11
12 ELI BARD

13 VICE PRESIDENT, DEPUTY GENERAL COUNSEL

14 MARVEL ENTERTAINMENT, INC.

15 417 Fifth Avenue

16 New York, NY 10016

17
18
19
20
21
22
23
24
25 (Appearances continued:)

1 FOR THE DEFENDANTS:

2 LISA R. KIRBY, BARBARA J. KIRBY,

3 NEAL L. KIRBY and SUSAN N. KIRBY

4 BY: MARC TOBEROFF

5 TOBEROFF & ASSOCIATES

6 2049 Century Park East

7 Suite 2720

8 Los Angeles, CA 90067

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 EXHIBIT INDEX
2

3 EXHIBIT 23 - E-MAIL DATED JUNE	226
4 13TH, 2010, FROM ROY AND DAN	
5 THOMAS	
6 EXHIBIT 24 - COMIC BOOK ROY	260
7 THOMAS, 1996 - MARKETPLACE	
8 EXHIBIT 25 - MARVEL COMICS GROUP	261
9 HANDWRITTEN NOTE DATED OCTOBER	
10 28/65	
11 EXHIBIT 26 - DECLARATION OF ROY	269
12 WILLIAM THOMAS, JR.	
13 EXHIBIT 27 - DECLARATION OF ROY	296
14 THOMAS	
15 EXHIBIT 28 - TWO SUBPOENAS	297
16 DIRECTED TO ROY THOMAS	

17 WITNESS INDEX:
1819 ROY THOMAS:
20

21 Examination by Mr. Toberoff	211
22 Examination by Ms. Kleinick	296
23 Examination by Mr. Toberoff	299

1 Thomas

2 the beginning; whether that was verbal -- or as
3 it was in so many cases -- written.

4 That kind of was part of the
5 writing, and it's part of the payment.

6 Q. What is the -- have you ever heard
7 of the term Marvel Method?

8 A. Yes.

9 Q. What is -- when you came to Marvel
10 in July of 1965, was the Marvel Method in use
11 at that time?

12 MS. KLEINICK: Objection.

13 A. Yes.

Q. What is the Marvel Method?

15 A. The Marvel Method -- sometimes also
16 called the Stan Lee Method -- but it didn't
17 totally originated with him, but mostly arose
18 in the -- I'm not really quite sure -- but it
19 was in place by the time I got there.

Because Stan became too busy to write full scripts; and Larry Lieber, who had been writing the scripts from his plots, you know, was either too busy or was doing his westerns and things and somewhat withdrawing from doing the superheros.

1 Thomas

2 Stan was -- became -- would come up
3 with the idea for the plots, I guess, adapting
4 from the way he had originally done plots that
5 Larry would turn in the scripts.

6 And he simply would give those plots
7 to the artists, who would then draw the story,
8 break them down into pictures, expanding them,
9 whatever needed to be done to break them down
10 into pictures.

11 They would then turn them in, and he
12 would then add the -- he would dialogue it,
13 which means the dialogue and captions -- he
14 would add it later -- instead of writing what
15 we call script in advance, which is the more
16 usual method of writing comic books beforehand.

17 Q. Are you aware that Stan Lee has been
18 interviewed numerous times in which he has
19 described the Marvel Method?

20 A. I'm sure he has, yes. I'm aware of
21 that.

22 Q. Are you aware that Stan Lee, in
23 interviews, has stated that in 1960s, under the
24 Marvel Method, that artists were expected to
25 plot stories?

ERRATA SHEET

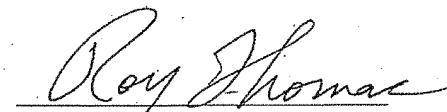
Transcript of Roy Thomas
October 13, 2010 and October 14, 2010

<u>Page</u>	<u>Line</u>	<u>Per Transcript</u>	<u>Should Be</u>	<u>Reason</u>
10	16	various	varies	Transcription error
25	13 and 14 (and in passim throughout transcript)	Brodske	Brodsky	Spelling error
30	8	I remember calling myself	I don't remember calling myself	Transcription error
33	19	Berpoorten	Verpoorten	Spelling error
35	14	increasing	increasingly	Clarification
43	5	newspaper script that	newspaper strip that	Transcription error
45	8	Milly	Millie	Spelling error
45	10	Heady	Hedy	Spelling error
46	17	Ironman	Iron Man	Spelling error
46	18	we wrote	he wrote	Transcription error
50	15	"dialogue for"	"dialogue" for	Transcription error
76	20	comics code	Comics Code	Transcription error
87	7-8	Comics Book	Comix Book	Spelling error
88	22	Dennis	Denis	Spelling error
92	6	Magazine fancy	magazine – "fanzine"	Transcription error

<u>Page</u>	<u>Line</u>	<u>Per Transcript</u>	<u>Should Be</u>	<u>Reason</u>
93	17-18	I'd like to direct your attention to page 9 of the article, the window that starts off "Synopsis for Fantastic Four No. 8." And there's a newspaper Puppet Master. Do you see that?	I'd like to direct your attention to page 9 of the article, the window that starts off "Synopsis for Fantastic Four No. 8. Prisoners of Puppet Master." Do you see that?	Transcription error
95	13	Evenier	Evanier	Spelling error
109	17	surfer	Surfer	Spelling error
119	24	Coleman	Colan	Transcription error
138	17-22	Oh Romita. I had some communications with John Romita. I don't think I did, unless I would have mentioned it in passing sometime in an e-mail, but I don't recall doing that. We have very little communication and so forth. There was certainly nothing substantive.	I have not had any communications with John Romita about this case.	Clarification
152	21	gone	gotten	Transcription error
158	9	you say that at a minimum would be a co-writer and	you say that at a minimum you would be a co-writer and	Transcription error
179	8-9	Carmen Empitimo	Carmine Infantino	Spelling error
191	5	regretted	regret	Transcription error

<u>Page</u>	<u>Line</u>	<u>Per Transcript</u>	<u>Should Be</u>	<u>Reason</u>
195	3	Jerry	Gerry	Spelling error
196	15	Jerry	Gerry	Spelling error
218	17	originated	originate	Transcription error
224	18	including the two I dialogue, did not have any	including the two I dialogued, I did not have any	Transcription error
232	3	don't	didn't	Transcription error
233	18	balloon	Balloons	Transcription error
237	14-16	So in that case, as far as I know, Jack did all the plotting and was credited, you know, and we all knew it.	So in that case, as far as I know, Jack did the plotting and, though he wasn't specifically credited with the plot, we knew he had done it.	Clarification
238	3	Well, -- yes.	Well, -- no. It was after Jack left Marvel in 1970.	Clarification
239	19	House Roy	Houseroy	Spelling error
240	16	do that	get at	Transcription error
241	3	enjoined	enjoyed	Transcription error
241	5	statement	sometimes	Transcription error
241	6	deprecating	deprecatingly	Transcription error
242	8-10	stories that were at alternate reality, that took off from a certain point in borrowed continuity, and developed story almost in a	stories that were set in an alternate reality, that took off from a certain point in normal continuity, and developed a story almost in a	Transcription error

<u>Page</u>	<u>Line</u>	<u>Per Transcript</u>	<u>Should Be</u>	<u>Reason</u>
246	21	Dan	Dann	Spelling error
253	3-5	pursuant to a Xerox, at my request, to him. And the Xerox that said it was on the way; that then this followed.	pursuant to a fax, at my request, to him. And the fax that said it was on the way; that then this followed.	Clarification
253	11-12	I had contacted Stan and asked him if he had it. Because, although it had been published once or twice, I wanted to publish it in Alter Ego and kind of do an analysis of it. So he sent me a Xerox saying it would have to be followed by mail, because it was just too dim to send a good Xerox of it.	I had contacted Stan by and asked him if he had it. Because, although it had been published once or twice, I wanted to publish it in Alter Ego and kind of do an analysis of it. So he sent me a fax saying it would have to be followed by mail, because it was just too dim to send a good Xerox of it.	Clarification
277	8	Meade	Romita	Transcription error
279	17	the seventies	the sixties	Clarification
280	16	Yes, I furnished some plot,	Yes, I furnished some plots,	Transcription error
291	14	He called Sol Brodsky, you know, a	He called in Sol Brodsky, you know, a	Transcription error
293	13	are.	were.	Transcription error
295	5	his work, and Stan didn't feel that he needed	his work, and Stan didn't feel that they needed	Clarification



Roy Thomas

Sworn to before me
this 2nd day of December, 2010

Wickie S. Stoenenre
Notary Public

Page 310

1 REPORTER'S CERTIFICATION
2

3 I, Jane G. Drobnick LaPorte, court
4 reporter and notary public, do hereby certify
5 that the above and foregoing transcript is true
6 and correct.

7 Dated this 8th day of November,
8 2010.

22
23 
24

Jane G. LaPorte

25